IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO :32858 of 1998

Dated: 23.04.2007

Between:
K.Atma Ram @ K,Atma Ramulu

..... PETITIONER

AND

1.The District Collector, Nizamabad
District, and 2 others …
RESPONDENTS

-
-
-
-

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.32858 of 1998

ORDER:

-

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents 2 and 3 in proposing to lay the road from Kistapur to lift irrigation pump house through Sy.No.586 of Kistapur village, without initiating any land acquisition process and without paying any compensation, as illegal and arbitrary.

The case of the petitioner is that he is the pattedar of the land admeasuring Ac.3.04 guntas and Ac.2.32 guntas in Sy.No.546 of 586 of Kistapur village of Birkur Mandal, Nizamabad District. The grievance of the petitioner is that respondents 2 and 3 are proposing to lay road from Kistapur village to lift irrigation pump house through Sy.No.586 without initiating any land acquisition proceedings and without payment of compensation to him.

While entertaining this writ petition, this Court, on 26.11.1998, granted interim order in W.P.M.P. No.40351 of 1998 directing the respondents 2 and 3 not to lay the proposed road in Sy.No.586 of Kistapur village of Birkur Mandal, Nizamabad District from Kistapur village to Lift Irrigation Pump House.

A counter-affidavit has been filed by respondents 1 and 2 stating that as per the village map prepared in the year 1954-55, there is a footway consisting the land in Sy.Nos.512

to 514, 549/1, 597, 586 and 587 to an extent of 0.09 guntas. It is further stated that no land has been taken from Sy.No.586 and only the existing footpath is to be strengthened.

Heard both sides.

Learned Counsel for the petitioner fairly conceded that subsequent to filing of this writ petition, a pucca road was laid from Kistapur to Lift Irrigation Pump House through Sy.No.586 despite the fact that there was an interim order directing the respondents 2 and 3 not to lay the proposed road in Sy.No.586 of Kistapur village of Birkur Mandal, Nizamabad District from Kistapur village to Lift Irrigation Pump House.

Having regard to the fact that a pucca road was laid in the land in question, the relief sought for by the petitioner cannot be granted. However, since the petitioner is the owner of the land in question and it is required for the purpose of laying of road through Sy.No.586 of Kistapur village of Birkur Mandal, Nizamabad District from Kistapur village to Lift Irrigation Pump House, respondents 1 and 2 are directed to initiate land acquisition proceedings and pay compensation to the petitioner within a period of Six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs

_____

(GOPALA KRISHNA TAMADA, J)

23-04-2007
Gsn.